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HOUSE BILL 2175

By Newton

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, relative to the offense of driving away without paying for petroleum products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 14, Part 1, is amended by adding the following as a new appropriately designated section:

39-14-1___. (a) It is an offense for a person to drive away in a motor vehicle from the premises of an establishment at which gasoline or diesel fuel offered for retail sale was dispensed into the fuel tank of such motor vehicle unless due payment or authorized charge for the gasoline so dispensed has been made.

(b) Any person or persons violating the provisions of subsection (a) shall, upon conviction thereof, for the first offense be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) and the court shall prohibit such convicted person or persons from driving a vehicle in the state of Tennessee for six (6) months. For conviction on the second offense, there shall be imposed a fine of not less than two hundred dollars (\$200) nor more than three hundred dollars (\$300) and the court shall

prohibit such convicted person or persons from driving a vehicle in the state of Tennessee for a period of time of one (1) year.

(c) If a person's motor vehicle operator's license has been suspended pursuant to subsection (b) the trial judge is vested with the authority and discretion to allow the continued use of a restricted motor vehicle operator's license issued in accordance with § 55-50-502, or may, in the event such a license has not been issued, order the issuance of a restricted license allowing the person so convicted to operate a motor vehicle for the limited purpose of going to and from and working at such person's regular place of employment or in the case of a student enrolled full time in a college or university, going to and from such college or university; provided that a copy of the judgment of conviction, certified by the court which tried the case, accompanies the application. Such order shall state with all practicable specificity the necessary times and places of permissible operation of a motor vehicle and shall be made a part of the order or judgment of the court. The order may be prescribed within ten (10) days after the date of conviction to the department of safety, accompanied by a fee set by the department, which shall forthwith issue a restricted license embodying the limitations imposed upon the person so convicted; provided that the person shall first successfully complete a driver license examination. After proper application, and until such time as the restricted license is issued, a certified copy of the order or judgment of the court may serve in lieu of the motor vehicle operator's license.

(d)(1) Whenever a person is convicted of an offense under the provisions of subsection (a) and the court orders the suspension of the driver license of such person, the court in which such conviction is had shall confiscate the license being suspended and forward it to the department of safety along with a report of the license suspension. If the court is unable to take physical possession of such license, the court shall nevertheless forward the report to the department. The report shall include the complete

name, address, birth date, eye color, sex, and driver license number, if known, of the person whose license has been suspended, and shall indicate the first and last day of the suspension period. If the person is the holder of a license from another state, the court shall not confiscate the license but shall notify the department, which shall notify the appropriate licensing officials in such other state. The court shall, however, suspend the person's nonresident driving privileges for the appropriate length of time. The term "conviction" shall have the same meaning as defined in §55-50-503.

(2) Upon receiving such report and the driver license from the court, the department shall suspend the driver license of the person for those periods specified in subsection (b).

(3) At the end of the period of time established in subsection (b) and prior to reinstatement of the license, the person upon applying for reinstatement of such license shall pay the restoration fee to the department as required under §55-12-129(b).

SECTION 2. This act shall take effect July 1, 2000, the public welfare requiring it.